

Remarks

The Applicants respectfully request reconsideration and allowance of the present application in view of the remarks below.

Claims 1-29 are pending, of which claims 1, 13, and 20 are independent claims. The Applicants have amended claims 1 and 20 to more clearly recite embodiments within the scope of the present invention.

Claims 1-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0187415 (Kudo '415). The Applicants respectfully traverse the 35 U.S.C. Section 103(a) rejection.

Kudo '145 discloses a colored absorbent article suitable that matches the color of an undergarment to be worn (§§ 0002, 0064). Kudo '145 further describes that a disadvantage of the prior art is that "it is difficult to uniformly color cotton spunlaced sheet, and the occurrence of irregular color on sheet surface cannot be avoided" (§ 0011). As a result, Kudo '145 repeatedly teaches the need for a "uniformly colored" absorbent article (§§ 0019, 0029, 0030, 0031). Indeed, uniformity of color is so important to the invention disclosed in Kudo '145, that the specification specifically quantifies the Hue, Value, and Chroma attributes of color using the Munsell color system and limits the invention described therein to colored absorbent articles having a Munsell value in the range of 5.7 to 9.3 (§§ 0022, 0025, 0028, 0029, 0036, 0148).

The Applicants respectfully assert that Kudo '145 does not teach each limitation found in the claims. Specifically, independent claims 1, 13, and 20 recite the combination of an "an undergarment having a design of outwardly visible characteristics of any combination of non-white colors, shapes, and designs" with a personal care product having "a pattern defined on at least a portion of one of said top sheet or said

back sheet, said pattern substantially matching said undergarment design.”¹ As such, the undergarment recited in the claims must include non-white colors and shapes and designs. See SuperGuide Corp. v. DirecTV Enterprises Inc., 69 U.S.P.Q.2d 1865, 1877 (Fed. Cir. 2004) (holding that the preposition “of” followed by a conjunctive list modifies each member of the list). In addition, the pattern defined on the personal care product must substantially match the undergarment design.

In contrast, Kudo ‘145 specifically suggests that the undergarment is a solid color, without any reference to an undergarment also having shapes and designs. As a result, Kudo ‘145 does not teach the undergarment recited in the claims, and Kudo ‘145 therefore cannot teach a personal care product having a pattern that substantially matches the undergarment design – e.g., a personal care product having a pattern that substantially matches the non-white colors and shapes and designs included on the undergarment.

In addition, claims 2 and 21 further recite that the pattern comprises “any combination of geometric shapes, non-geometric shapes, repeating shapes, and non-repeating shapes.” To the extent that the liquid passage holes 14a in the topsheet 14 disclosed in Kudo ‘145 constitute shapes defined on the top sheet or back sheet as recited in independent claims 1 and 20, which the Applicants deny, Kudo ‘145 provides no teaching of non-geometric shapes and non-repeating shapes as recited in claims 2 and 21.

Moreover, claim 5 further recites that the pattern is “defined along opposite

¹ Method claim 13 recites “defining a pattern [on the personal care product] that substantially matches the visible design of the undergarment.”

lateral sides of a longitudinal strip of said top sheet that does not include said pattern” as shown for example in Figure 2a. Furthermore, claim 7 further recites that the pattern is “defined on substantially only portions of said back sheet that are outwardly visible when said personal care product is placed within said undergarment.” The Applicants are not aware of any teaching in Kudo ‘145 that would render either of these limitations obvious.

For at least the preceding reasons, the cited reference does not teach each and every limitation of independent claims 1, 13, and 20, or dependent claims 2, 5, 7, and 21, and the Applicants respectfully request withdrawal of the 35 U.S.C. Section 103(a) rejections as to claims 1-29.

In addition, the Applicants respectfully assert that Kudo ‘145 specifically teaches away from the limitations found in independent claims 1, 13, and 20. “A prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention.” M.P.E.P. ¶ 2141.02. As previously described, the absorbent article described in Kudo ‘145 is of necessity “uniformly colored.” Therefore, it would not have been obvious to one of ordinary skill in the art to modify the “uniformly colored” absorbent article of Kudo ‘145 to arrive at the personal care product having a pattern that substantially matches the undergarment design – *e.g.*, a personal care product having a pattern that substantially matches the non-white colors and shapes and designs included on the undergarment. For at least this reason, it would not be obvious to modify the cited reference to arrive at the invention recited in independent claims 1, 13, and 20, and the Applicants respectfully request withdrawal of the 35 U.S.C. Section 103(a) rejections as to claims 1-29.

For at least the reasons discussed above, the Applicants respectfully submit that the claims patentably define over the cited reference. As such, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Hand is invited and encouraged to telephone the undersigned at her convenience.

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Respectfully submitted,



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